

### WISCONSIN STATE ASSEMBLY

Representative Jon Richards
Senate Substitute Amendment 1 to Senate Bill 173
Senate Committee on Judiciary, Utilities, Commerce, and Government Operations
February 1, 2012

Good morning, Senator Zipperer and committee members. Thank you for your attention and consideration of a bill that will provide police officers and others in the juvenile justice system access to the information they need to keep our communities safe from violent teenagers.

I would like to begin by expressing my appreciation to Senator Darling for her willingness to work together with me in advancing this important public safety initiative and to Milwaukee Police Chief Edward Flynn and Assistant District Attorney Patrick Kenney for joining us today.

An ongoing investigation by the Milwaukee Journal Sentinel has highlighted instances of police officers not being able to immediately access a juvenile's probation information when they encounter young suspects on the street.

As a result, some dangerous juvenile offenders who should have been detained were released. Some went on to commit more violent crimes, including murder.

For the past several months, I've been meeting regularly and working closely with a group of dedicated people who have committed themselves to reducing crime and keeping our streets safe—including Mr. Kenney (who was instrumental in the drafting of this bill), District Attorney John Chisholm, Chief Flynn and his staff, Mayor Tom Barrett and his staff, the State Public Defender's office, Children's Court judges and prosecutors, Milwaukee's Homicide Review Commission and others.

I appreciate the time and effort all of these individuals put into helping write the bill you are considering today.

This bill was drafted in response to a systematic uptick in the number of young people who are committing more serious, more violent offenses.

Through the first five months of last year, over 200 Milwaukee youth under the age of 17 were arrested for robbery. That's almost twice the amount of juvenile robbery arrests in Milwaukee during the same period in each of the previous two years.

Likewise, through the first nine months of 2011, Milwaukee police arrested almost 2,500 juveniles for breaking the law. Over 15% of them had been arrested two or more times since the start of the year. One teenager alone was arrested seven times during that period.



Last Sunday the Milwaukee Journal Sentinel published a column I wrote with Mayor Barrett that discusses why this legislation is necessary.

A copy of our column is attached for you to read at your convenience. I won't repeat everything we wrote here.

But I would like to share the details of one very high profile murder we wrote about that occurred in my district, because it clearly demonstrates what happens when police officers do not have access to the information they need.

## **Markus Evans**

In December of 2008, Markus Evans attacked a safety aide at Hamilton High School. The officers who responded did not know that he was on probation for a nearly identical crime he had committed a few months earlier. So the officers returned him to his mother's home instead of the juvenile detention center where he could have been brought before a judge.

Tragically, after Evans returned home he tried to set his mother on fire and shot a cousin with a gun. He later received a light sentence and shortly after being released shot and killed 17 year-old Jonoshia Alexander while she was walking home from Bay View High School in my district.

If police, prosecutors and judges had better access to information, Jonoshia may still be alive today.

### The Bill

Our bill would require juvenile courts in Wisconsin to disclose, under certain circumstances, electronic juvenile court records to authorized law enforcement officers, prosecutors and judges.

Juvenile courts would be required to share electronic Children's Code (Ch. 48) and Juvenile Code (Ch. 938) records with judges or prosecutors working on those cases.

Law enforcement would only have access to Juvenile Code records—not Children's Code records.

The Children's Code (Ch. 48) covers Children Need of Protection or Services (CHIPS). These are cases in which children come to court because a parent has abused or neglected them. If parents can't or won't take care of their child properly, the juvenile court may step in and the child may become in need of protection or services from the court in order to keep the child safe. When this happens, the child may have to live with relatives or a foster care family.

The records sharing arrangement provided by this bill would benefit police officers on the street, for example, because it would provide them the information they need to instantly identify juveniles who may be a threat to the public or who may be in danger themselves.

In 2008, Governor Doyle vetoed a similar bill because he said it did not adequately protect sensitive information about children, including medical and psychological records, from being disclosed.

Our bill addresses those deficiencies and recognizes the importance of confidentiality by:

- strictly limiting those who can access juvenile records information ("authorized law enforcement");
- imposing penalties for misusing or improperly disclosing the records; and
- prohibiting the disclosure of medical and mental health information.

Law enforcement can't be kept in the dark about a teen's history when they are approached in the streets.

By providing officers critical information about a youth's status, we can help them make a timely and informed decision in the field—one that could prevent crime.

# **SPD** Amendment

We have worked closely with the State Public Defender's Office on an amendment to ensure that sensitive personal information and mental commitment records will definitely not be transferred to law enforcement. I believe our amendment adequately addresses their concerns.

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Thank you for your attention to this important issue. I'd be happy to answer any questions you may have.

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# Police need better access to juvenile records

By Jon Richards and Tom Barrett

Jan. 28, 2012 (3) Comments

Right now, police officers and others in the juvenile justice system do not have all the information they need to keep our communities safe from violent teenagers.

An ongoing investigation by the Milwaukee Journal Sentinel has highlighted instances of police officers not being able to immediately access a juvenile's probation information when they encounter young suspects on the street.

As a result, some dangerous juvenile offenders who should have been detained were released. Some went on to commit more violent crimes, including murder.

Serious incidents involving teenagers and violence underscore a disturbing trend in Milwaukee that we need to address: More young people are getting into trouble for more serious offenses.

There has been an uptick in serious juvenile offenses and juveniles with prior arrests who are stopped.

Through the first nine months of 2011, Milwaukee police arrested 2,459 juveniles for breaking the law. More than 15% of them had been arrested two or more times since the start of the year. One teenager alone was arrested seven times during that period.

Children's Court Judge Joseph Donald was quoted in the Journal Sentinel as saying that kids are far more violent today than they were when he first started working in children's court in the mid-1990s.

The Markus Evans case demonstrates what happens when police officers do not have access to the information they need.

In December 2008, Evans attacked a safety aide at Hamilton High School. The officers who responded did not know he was on probation for a nearly identical crime a few months earlier. So the officers returned him to his mother's home instead of the juvenile detention center, where he could have been brought before a judge.

Tragically, after Evans returned home, he tried to set his mother on fire and shot a cousin with a gun. He later received a light sentence and, shortly after being released, shot and killed 17 year-old Jonoshia Alexander while she was walking home from Bay View High School.

If police, prosecutors and judges had better access to information, Jonoshia may still be alive today.

The overly restrictive bar to access of juvenile records could place some youths in harm's way. If an officer confronts a child with a curfew violation, the officer has no way of efficiently and effectively

determining the child's residence. Without information available through court records, an officer could inadvertently return a child to a placement that the juvenile court has found to be inappropriate and possibly dangerous to the child.

To address these serious issues, we have been working closely with state Sen. Alberta Darling, Milwaukee Police Chief Edward Flynn, members of Milwaukee's Homicide Review Commission and others who share our concern for protecting the public.

Our measure would require juvenile courts in Wisconsin to disclose, under certain circumstances, electronic juvenile court records to authorized law enforcement officers, prosecutors and judges. It creates a consistent, statewide arrangement for the sharing of juvenile records among authorized officials in the justice system that respects confidentiality.

Such an arrangement would benefit police officers on the street, for example, because it would provide them the information they need to instantly identify juveniles who may be a threat to the public or who may be in danger themselves.

Recognizing the importance of confidentiality, our proposal strictly limits those who can access juvenile record information, imposes penalties for misusing or improperly disclosing the records and prohibits the disclosure of medical and mental health information.

There are many strategies for preventing youth violence including successful evidenced-based programming offered by juvenile justice providers and supportive services provided by community groups. We recognize that these services are vital to reducing youth crime and promoting youth development.

But we can't keep law enforcement in the dark about a teen's history when they are approached in the streets. Officers need to be able to make a timely and informed decision in the field - one that could prevent crime - but they have been unable to access critical information about a youth's status - even for serious and chronic youthful offenders.

The Legislature should adopt this measure as soon as possible so our juvenile justice system has the tools it needs to keep our cities and towns safe.

Rep. Jon Richards (D-Milwaukee) represents Milwaukee's east side. Tom Barrett is Milwaukee mayor.

## Find this article at:

http://www.jsonline.com/news/opinion/police-need-better-access-to-juvenile-records-s83vfmo-138236134.html

Check the box to include the list of links referenced in the article.



TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY, UTILITIES, COMMERCE, AND GOVERNMENT OPERATIONS

Senate Bill 173

Senator Alberta Darling

February 1, 2012

Thank you Committee Chairman Zipperer and members for giving me the opportunity to testify in favor of Senate Bill 173, which discloses electronic juvenile court records to law enforcement agencies and courts. I am pleased to be joined by Rep. Jon Richards, Milwaukee Chief of Police Edward Flynn, and Milwaukee County Assistant District Attorney Pat Kenney to discuss the details of the substitute amendment that we have put forth.

Last year, the Milwaukee Journal Sentinel profiled a case that demonstrated the need for greater sharing of information regarding juvenile electronic records. Since then I have been working with stakeholders who are on the frontlines of law enforcement to cut the red tape while maintaining confidentiality for the juveniles. I want to thank Rep. Richards for drafting the language that is being used in the substitute amendment. This compromise brings a balanced approach to this issue in order to better serve law enforcement, victims, and juveniles who are heading down the wrong path. Additionally, I would like to express my appreciation to the Milwaukee Police Department, Milwaukee County District Attorney's Office, and others who have come here to testify to the need for greater access to electronic records in a responsible manner.

I ask that the committee support Senate Bill 173, as amended, to provide law enforcement agencies' a resource that will assist in making difficult decisions in their line of duty.

Thank you again for allowing me to testify in favor of this important piece of legislation.

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